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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,051	11/27/2001	Sami Mikkonen	915.409	7455

7590 08/26/2004
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EXAMINER

WIMER, MICHAEL C

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/993,051

Applicant(s)

MIKKONEN ET AL.

Examiner

Michael C. Wimer

Art Unit

2821

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

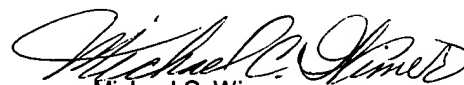
Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 15-28.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Michael C. Wimer
Primary Examiner
Art Unit: 2821

Continuation of 2. NOTE: The added language to a "conductive" radiator surface had not been addressed at the time of final rejection. Applicant makes an argument that the conductive surface is to emit/receive EM energy throughout the conductive surface and mentions photons, etc. Such specifics had not been argued before and thus the final rejection does not address any specific relationship between a conductive surface and emission. It is apparent that applicant considers "conductive" to imply a surface more specific than once considered. For example, the grid forming the radiating surfaces in Fessenden simulates a continuous non-planar radiator. Any gaps between the wires is incidental because of the large wavelengths used in such an antenna. Therefore the spaces between wires is insignificant in terms of radiation from the antenna. The prosecution history does not make it clear that the surface be conductive in the manner as now set forth here.

Continuation of 5. does NOT place the application in condition for allowance because: Although applicant discusses emission of EM energy from regions between wires, photon emission throughout the conductive radiator surface, as noted above, the space between wires is insignificant in terms of the large wavelengths involved in the antenna of Fessenden. The surface is defined by variations in the depth of the radiator surface because the support is at the middle of the surface, tapers along the sides as attached to the supports 6 and 7, which define variations. Regarding the arguments to Rebiez et al, the horn/cavity construction is a definite and specific dimension and integral to the radiator in defining the antenna radiator. The probe releases the energy into the cavity/horn to set up a very specific waveguide mode. Without this structure a mere probe would emit a different mode/pattern, etc. The v-shape is continuous and the taper provides the variation in depth, as claimed. Since the claim language is shown in the prior art, the rejections stand.